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EXAMINER

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 16

Application Number: 09/409,366
Filing Date: September 30, 1999
Appellant(s): XU, YUE HENG

MAILED

APR 09 2003

Technology Center 2100

Timothy N. Trop
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/27/03.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

Art Unit: 2174

(2) *Related Appeals and Interferences*

A statement identifying that there are no related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-18 stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,172,677	STAUTNER ET AL	1-2001
5,550,576	KLOSTERMAN	8-1996

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al (U.S. patent 6,172,677) in view of Klosterman (U.S. patent 5,550,576).

As per claim 1, Stautner teaches the following subject matter:

providing access to a first EPG with a first set of program selections at figure 5;
providing access to a second EPG with a second set of program selections, at figure 2; and

enabling user selection of viewing programs, at column 4, lines 58-60.

Stautner teaches the above steps of claim 1, but does not specifically teach that the first and second EPGs are provided over first and second media, respectively.

On the other hand, providing EPGS over different media are known in the art. For instance, Klosterman teaches that EPGs can be "provided in a separate data stream via a different medium" at column 6, lines 12-14, or "generated within the IRD box, a satellite receiver, the television, the VCR, a central office location, etc" at column 6, lines 23-25. Klosterman also teaches at column 6, lines 1-11, that if program schedule information is "received in a format which is ready for immediate display" less memory is required for the program guide system.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the programming guides of Stautner over different media as in Klosterman because it reduces the memory requirements of the program guide system.

As per claim 2, Stautner shows that the second set at figure 2 is more extensive than the first set at figure 5.

As to claim 3, Stautner teaches that the first EPG provides the programming guide and program content, at figure 5.

As per claim 4, Stautner shows providing the second EPG, at figure 4.

Regarding claim 5, Klosterman automatically couples the user to the second medium upon receiving an access request, at column 7, lines 46-52.

As to claim 6, Stautner teaches internet access, at column 3, lines 45-46.

In reference to claim 7, Klosterman teaches user selection of provided program selections, at column 6, lines 34-56.

As per claim 8, Stautner teaches providing the first and second EPGs in response to user request, at column 4, lines 29-34.

Regarding claim 9, Stautner teaches providing tuning information, at column 4, lines 58-60.

As to claims 10-14, they correspond respectively to claims 1 and 5-8.

As per claim 15, Stautner teaches a content provider providing content and a first EPG, at figure 5; and a server for providing a second EPG upon request, at figure 2, and column 5, lines 15-19.

Stautner teaches the above steps of claim 15, but does not specifically teach that the first and second EPGs are provided over first and second media, respectively.

On the other hand, providing EPGs over different media are known in the art. For instance, Klosterman teaches that EPGs can be "provided in a separate data

Art Unit: 2174

stream via a different medium" at column 6, lines 12-14, or "generated within the IRD box, a satellite receiver, the television, the VCR, a central office location, etc" at column 6, lines 23-25. Klosterman also teaches at column 6, lines 1-11, that if program schedule information is "received in a format which is ready for immediate display" less memory is required within the coordinator.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the programming guides of Stautner over different media as in Klosterman because it reduces the memory requirements of the coordinator.

In reference to claim 16, Stautner teaches airwave, cable and satellite broadcast systems, at column 7, lines 21-23.

Stautner teaches an internet connection [claim 17] at column 3, lines 45-46.

As to claim 18, Stautner shows a second EPG at figure 2 that is more extensive than a first EPG at figure 5.

(11) *Response to Argument*

Appellant points out that claim 1 “calls for two media and two programming guides” and that the Klosterman reference is deficient because it “merely suggests having one programming guide” and does not suggest “having two guides from two different media”.

However, the Klosterman reference was not used to teach two programming guides. Instead, the primary reference, Stautner, teaches two programming guides, as illustrated in figures 5, 2, that are similar to appellant’s basic and extensive programming guides, at figures 3, 4, and described at page 8, line 10 to page 10, line 5.

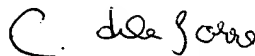
Rather, Klosterman was used to teach providing EPGS over two different media. As noted by Appellant, on page 11, paragraph 1, “Klosterman at column 4, lines 56-60, suggests that programming guide information can be received from a number of different sources”. In addition, Klosterman teaches at column 6, lines 1-14, that the “program schedule information” can be provided on a “satellite channel”, or in a “separate data stream via a different medium or on a television channel”. Thus, Klosterman teaches providing EPGs over two different media.

For the above reasons, it is believed that the rejections should be sustained.

Application/Control Number: 09/409,366
Art Unit: 2174

Page 7

Respectfully submitted,


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